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Minutes

Board of Boiler Rules

National Guard Armory, Wellesley, MA 02108

Meeting of November 5, 2015, 10:00 AM

1. Meeting called to order by the Chairman Ed Kawa at 10:05 AM. The Chairman asked that members present identify themselves, and whom they represent as Board members:

Board Members Present:

Edward Kawa, Chairman
Anthony Lucia, Users Group
Ray Archambault, Operating Engineers
Charles Perry, Boiler Manufacturers
Leah Francis, Insurance Companies

Board Members Not Present:

None

* The Chairman asked that attendees please identify themselves, and with whom they are affiliated:

Guests Present:

Glenn Robinson, HSB
Mike Roby, FM Global
Rick Gillis, Liberty Mutual
Leon Dunnam, Liberty Mutual
Mike Robillard, Chubb
Frank Zarrella, Travelers
William Niedzwiecki, Arise
Gary Pavao, Wheaton College
Bob Whalley, MA/RI School of Boiler Ops
Brian Christo, Local 877
Joseph Markowski, Chelsea Soldiers
Home

Henry Geryk, DPS
Mark Sullivan, DPS
Dave Vandal, DPS
Jeff Isabelle, DPS
Dan LaPerle, DPS
Stephen Carley, DPS
Cesar Lastra, DPS
Holly Bartlett, DPS

2. Minutes of previous meetings: The minutes from the previous meeting on May 7, 2015, were distributed for review. *Motion to accept these minutes into record made by Ray Archambault, seconded by Charlie Perry; motion passed by unanimous vote.*
3. Petitions for inspectional considerations: The following approved requests for extension of the inspectional requirements were considered to be entered into record:
 - a. MCI Framingham, Extension Request dated June 19, 2015, for a 6-month extension of the inspectional requirement for two units, MA #54138 and MA #58719. *Motion to accept this extension into record made by Charlie Perry, seconded by Ray Archambault; motion passed by unanimous vote.*
 - b. Ashland Specialty Ingredients, Extension Request dated May 20, 2015, for a 90-day extension of the inspectional requirement for two units, MA #174276 and MA #061155. *Motion to accept this extension into record made by Leah Francis, seconded by Anthony Lucia; motion passed by unanimous vote.*
 - c. Kraft Foods, Extension Request dated July 20, 2015, for a 5-month extension of the inspectional requirement for one unit, MA #075359A. *Motion to accept this extension into record made by Ray Archambault, seconded by Charlie Perry; motion passed by unanimous vote.*
 - d. Infinity Tapes, LLC, Extension Request dated July 15, 2015, for a 10-week extension of the inspectional requirement for one unit, MA #075717. *Motion to accept this extension into record made by Ray Archambault, seconded by Anthony Lucia; motion passed by unanimous vote.* Leah Francis asked if the unit has since been replaced; the Chairman said that he would follow up with the inspector to see if the unit has been replaced.
 - e. NECCO, Extension Request dated July 28, 2015, for a 1-month extension of the inspection requirement for one unit, MA # 104032. *Motion to accept this extension into record made by Leah Francis, seconded by Charlie Perry; motion passed by unanimous vote.*
 - f. Bridgewater Correctional Complex, Extension Request dated July 21, 2015, for a 6-month extension of the inspectional requirement for one unit, MA #058642. *Motion to accept this extension into record made by Charlie Perry, seconded by Ray Archambault; motion passed by unanimous vote.*
 - g. Covanta/Pittsfield, Extension Request dated August 7, 2015, for a 6-month extension of the inspectional requirement for two units, MA #024144 and MA # 024145. *Motion to accept this extension into record made by Leah Francis, seconded by Anthony Lucia; motion passed by unanimous vote.*
 - h. Engineered Materials Solutions, LLC, Extension Request dated September 17, 2015, for a 6-month extension of the inspectional requirement for two units, MA #B022049 and MA #023960. *Motion to accept this extension into record made by Leah Francis, seconded by Anthony Lucia; motion passed by unanimous vote.*
 - i. Veolia Kendall Green Energy, Extension Request dated September 29, 2015, for a 6-month extension of the inspectional requirement for one unit, MA #118487. *Motion to accept this extension into record made by Ray Archambault, seconded by Charlie Perry; motion passed by unanimous vote.*
 - j. GDF Suez Energy, Extension Request dated September 22, 2015, for a 2-month extension of the inspectional requirement for one unit, MA #022234. *Motion to accept this extension into record made by Leah Francis, seconded by Charlie Perry; motion passed by unanimous vote.*
 - k. William A. Hinton State Laboratory Institute, Extension Request dated October 10, 2015, for a 3-month extension of the inspectional requirement for one unit, MA #060223. *Motion to accept this extension into record made by Ray Archambault, seconded by Anthony Lucia; motion passed by unanimous vote.*

- l. Pfizer Corporation, Extension Request dated October 30, 2015, for a 2-month extension of the inspectional requirement for two units, MA #071435 and MA #071434. *Motion to accept this extension into record made by Leah Francis, seconded by Charlie Perry; motion passed by unanimous vote.*
 - m. Chelsea Soldiers Home, Extension Request dated October 31, 2015, for a 90-day extension of the inspectional requirement for one unit, MA #71806. *Motion to accept this extension into record made by Charlie Perry, seconded by Ray Archambault; motion passed by unanimous vote.*
 - n. Erving Paper, Extension Request dated October 23, 2015, for a 6-month extension of the inspectional requirement for one unit, MA #004514. *Motion to accept this extension into record made by Anthony Lucia, seconded by Charlie Perry; motion passed by unanimous vote.*
4. Update to promulgation process of proposed regulation: DPS Assistant General Counsel Stephen Carley addressed the Board regarding the current status of the proposed revision to 522 CMR. Stephen explained to the Board that the promulgation process had been ‘paused’ as required by Executive Order 562, which also requires that all agencies review all existing regulations. He said that the goal would be to have approved regulations promulgated by the end of March next year, that it is the expectation of the Department that the initial review by the Secretariat and ANF will occur in December, and then notice will go out towards the end of December for public comment on the amended regulation, which would close in late January. The Executive Branch would then proceed with a second review, with promulgation by the end of March. He emphasized that this is just a preliminary timeline, and that that is subject to change.
 5. Petitions for changes to 522 CMR: The Chairman asked if there were any petitions for changes to 522 CMR, as it existed before the final draft to amend this regulation was voted on by the Board in December, 2014. No petitions were presented. Frank Zarrella asked if there is a draft document available for public review; the Chairman responded that the draft will be posted as soon as the review is completed by EOPSS and ANF, and that the draft document will be posted on the website. Brian Christo asked how the draft would be distributed; the Chairman advised that the draft will be posted on the DPS website.
 6. Clarification of code requirements: The Chairman addressed the Board regarding this agenda item, explaining that he would not be going through this list in detail. He explained that the DPS occasionally receives requests for interpretation and/or clarification of code. He will be working with Cesar Lastra, the DPS Technical Code Coordinator, to bring requests such as these to the Board to provide interpretation to questions; the Board does not provide consultation. As these questions are addressed, they will be kept on file until the next review of 522, at which time they will be considered for incorporation into the regulation. The questions on today’s agenda are several years old, presented at a time when there was not a procedure in place to address these. At this point Cesar Lastra addressed the Bureau, and explained that in response to these questions, he has gathered information to provide to the Board to assist in making an informative interpretation. The Chairman explained that there will be no action taken by the Board today, and that some of these items have already been addressed in the amended regulation. But going forward, as these requests come in they will be reviewed to determine if they need to be brought to the Board or not, and if so, they will be distributed to the Board for consideration. If materials are distributed prior to a scheduled meeting, Board members are reminded that Open Meeting Law prohibits members from discussion of meeting topics outside of a meeting.
 - ASHRAE 15 as it applies to rooftop refrigeration units. Frank Zarella asked for information on how the Board researched this item. The Chairman explained that although the amended regulation still requires compliance with the ASHRAE code that such rooftop units have relief valves, the new regulation does contain a process for consideration of variance from this

requirement; such language was not contained in the old regulation. Frank Zarrella added that he has had conversation with the manufacturers of such rooftop units, who indicate that the ASHRAE standard does not apply to those units, and that he then has concerns with determining 'compliance' of such units. The Chairman clarified that as the proposed regulations contain procedures for requesting variance, installers and/or user/owners of any future installation of rooftop units which do not have the required relief valves can move forward with requesting a variance; the Board would not have to change the regulation to 'exempt' such units.

7. Insurance Industry Meeting: The Chairman announced to the Board that there will be an insurance industry meeting to be held on Wednesday, December 9, 9-12, at the Milford DPS facility. Members of the Board are invited to attend; the DPS Commissioner and the Fire Marshall will be in attendance and the Chairman of the National Board has been invited to attend. At this meeting, topics such as statistical and inspectional information and DPS policy changes/updates will be discussed. Notices to the insurance industry contacts will be going out next week.
8. Matters not reasonably anticipated 48 hours in advance of meeting: None
9. Adjournment – The date of the next regular meeting will be on the first Thursday of May, 2016. The public hearing for proposed changes to 522 CMR will be set once the administrative 'pause' in legislative procedure has been lifted. ***Motion to adjourn this meeting made by Ray Archambault, seconded by Anthony Lucia; motion passed by unanimous vote, meeting adjourned at 10:50AM.***

List of Documents/Exhibits Used at this Meeting

- a. Draft minutes from meeting on May 7, 2015
- b. Extension Request – MCI Framingham
- c. Extension Request – Ashland Specialty Ingredients
- d. Extension Request – Kraft Foods
- e. Extension Request – Infinity Tapes, LLC
- f. Extension Request – NECCO
- g. Extension Request – Bridgewater Correctional Complex Power Plant
- h. Extension Request – Covanta/Pittsfield
- i. Extension Request – Engineered Materials Solutions, LLC
- j. Extension Request – Veolia Kendall Green Energy
- k. Extension Request – GDF Suez Energy, NA
- l. Extension Request – Hinton State Laboratory
- m. Extension Request – Pfizer Andover
- n. Extension Request – Chelsea Soldiers Home
- o. Extension Request – Erving Paper
- p. Letter from Travelers dtd April 10, 2007
- q. Letter from Travelers dtd April 8, 2009
- r. Letter from Travelers dtd February 8, 2010
- s. Letter from Travelers dtd January 25, 2011